

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASON FARINA, CHARLES GARDNER,  
DOROTHY TROIANO, DELORIS RITCHIE,  
and MIRIAN ROJAS on behalf of each  
of themselves and all others similarly situated,

Case No. 1:18-cv-01433-NRB

Plaintiffs,

v.

METROPOLITAN TRANSPORTATION  
AUTHORITY, TRIBOROUGH BRIDGE AND  
TUNNEL AUTHORITY, THE PORT AUTHORITY  
OF NEW YORK AND NEW JERSEY, NEW YORK  
STATE THRUWAY AUTHORITY, TRANSWORLD  
SYSTEMS, INC., ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC., LINEBARGER GOGGAN  
BLAIR & SAMPSON, LLP and CONDUENT, INC.

Defendants.

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**NOTICE OF DEFENDANTS METROPOLITAN TRANSPORTATION AUTHORITY  
AND TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY'S  
MOTION TO DISMISS COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law dated September 14, 2018, the accompanying Declaration of Anne Marie Bressler, the exhibits attached thereto, the records and files of the Court, and any oral argument presented, Defendants Triborough Bridge and Tunnel Authority ("TBTA") and Metropolitan Transportation Authority ("MTA") will move this Court, before the Honorable Naomi Reice Buchwald, United States District Judge, located at the United States Courthouse, 500 Pearl Street, at a date and time to be determined by the Court, for an Order dismissing the above-captioned Complaint with prejudice pursuant to Rules

12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure.<sup>1</sup>

**PLEASE TAKE FURTHER NOTICE** that Defendants respectfully request that oral argument be heard on this Motion pursuant to Local Rule 6.1.

Respectfully submitted,

METROPOLITAN TRANSPORTATION  
AUTHORITY AND TRIBOROUGH BRIDGE  
AND TUNNEL AUTHORITY,

By their attorneys,

/s/ Esteban Morales

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<sup>1</sup> TBTA and MTA adopt, incorporate by reference, and join in the arguments submitted by the Port Authority of New York and New Jersey and the New York State Thruway Authority in their respective Motions to Dismiss, including arguments regarding the propriety of considering declarations and documents submitted in the Defendants' motions. Except for arguments made by Conduent State & Local Solutions, Inc. on the basis of the filed rate doctrine, it not being a state actor, and qualified immunity, TBTA and MTA adopt, incorporate, and join in the arguments of Conduent as to the following claims: Violation of the Eighth Amendment of the U.S. Constitution and Article I, Section 5 of the New York Constitution; Violation of Procedural Due Process Under the U.S. Constitution and Violation of Article I, Section 11 of the New York Constitution; and Violation of the New York Consumer Protection Act.